

CALIFORNIA TRANSPORTATION COMMISSION

Resolution to Amend Environmental Regulations

Resolution G-04-01

- 1.1 **WHEREAS**, Public Resources Code Section 21082 requires state agencies to issue regulations describing objectives, criteria, and procedures for evaluation of projects and preparation of environmental impact reports, as a complement to general California Environmental Quality Act (CEQA) regulations issued by the Resources Agency; and
- 1.2 **WHEREAS**, the regulations of the California Department of Transportation (Department), were last amended in 1996; and
- 1.3 **WHEREAS**, changes in the funding and development of transportation projects on the state highway system necessitate revisions to the sections regarding the California Transportation Commission's (Commission's) roles, responsibility, and procedures under CEQA; and
- 1.4 **WHEREAS**, the proposed amendments clarify the role of the Commission as a responsible agency under CEQA; and
- 1.5 **WHEREAS**, the Commission and the Department have determined that the revision of these regulations will not result in a mandate on local agencies or school districts; a cost or savings to any state agency, local agency or school district; a cost or savings in federal funding to the state; significant, statewide adverse economic impacts directly affecting business; cost impacts on a representative private person or business; creation or elimination of jobs or businesses within California; effects on the expansion of businesses currently doing business within California; or a significant effect on housing costs.
- 2.1 **NOW, THEREFORE, BE IT RESOLVED** that the Commission does hereby approve the revision of these regulations, prepared by the Department and properly circulated for public review, as shown on the attached two pages; and
- 2.2 **BE IT FURTHER RESOLVED** that the Commission directs the Executive Director of the California Transportation Commission, together with the Director of the California Department of Transportation, to file these amended regulations with the Office of Administrative Law for publication.

TITLE 21. Public Works
Division 2. Department of Transportation

CHAPTER 11.
Regulations for Implementation of the California Environmental Quality Act

Article 1. General

§1501 Authority. The regulations adopted under this subchapter implement the requirements of the California Environmental Quality Act (hereinafter "CEQA") commencing with Public Resources Code Section 21000 and the State CEQA -Guidelines issued by the Resources Agency contained in Title 14 commencing with Section 15000. The State CEQA Guidelines (Title 14, California Code of Regulations, Chapter 3), including all subsequent amendments thereto, are hereby incorporated by reference as if fully set forth in this subchapter. In the event of any conflict or ambiguity between the provisions of these regulations and the State CEQA Guidelines, the provisions of the latter shall control.

Authority: Section 21082, Public Resources Code. Reference: Sections 21000-21174, Public Resources Code.

§1501.1 Short Title. These regulations may be cited as "Environmental Regulations."

Article 2. Purpose

§1502 Purpose. ~~The purpose of these regulations is to set forth the principles, objectives, criteria, objectives, procedures, and definitions timelines~~ These regulations are to be used by the Department of Transportation and the California Transportation Commission in implementation of the California Environmental Quality Act of 1970, Public Resources Code Section 2100 et seq.

Authority: Section 21082, Public Resources Code. Reference: Sections 21000-21174, Public Resources Code.

Article 3. Policy

§1503.1.2 California Transportation Commission (hereinafter "Commission") Policies Regarding Use of Environmental Documents.

- (a) Commission Review Requirements: The Commission reviews and considers environmental documents and findings as part of its responsibilities to allocate funding for state or local capital projects and approve the location of state highway routes, and may need to review and consider environmental documents for other discretionary decisions.
- (b) Scope of Commission Review: The Commission generally examines and considers effects related to project cost and funding, including costs of mitigation measures being considered or proposed, and may consider any other environmental effects; the Commission advises agencies preparing environmental documents at a minimum to describe scope and cost of project alternatives, including costs for mitigation measures, and the complete funding package for the project, in documents that they send to the Commission.
- (c) Basis of Commission Action: The Commission uses the final environmental document as a basis to ratify and approve project scope, cost, and funding participation for subsequent allocation of funds; the Commission as a matter of practice schedules large, complex projects into the first two years of

state programs ready for allocation of funding only after final environmental documents required under CEQA have been completed.

- (c) Linkage to Commission Responsibilities: The Commission may postpone or refuse allocation of funds to a project when it has not previously been given an opportunity to review environmental documents.

Authority: Section 21082, Public Resources Code. Reference: Sections 21000-21174, Public Resources Code.

~~Article 4. Definitions~~

~~§1504 General. For the purpose of these regulations, "AGENCY" means, as appropriate, the Commission or the Department of Transportation.~~

~~Authority cited: Section 21082, Public Resources Code. Reference: Sections 21000-21174, Public Resources Code.~~

~~§1504.5 Decision Making Body. Any person or group of people within Agency permitted by law to approve or disapprove the project at issue.~~

- ~~(a) The Commission will be the Lead Agency for the purpose of adopting or rescinding State highway routes and new public road connections to freeways and expressways.~~
~~(b) The Department of Transportation will be the Lead Agency for all other projects requiring action by both the Department and the Commission.~~

~~Authority cited: Section 21082, Public Resources Code. Reference: Sections 21000-21174, Public Resources Code.~~

Article 5. General Responsibilities Procedures and Timelines

§1505 Timely Compliance.

(a) Circulation to the Commission: A lead agency shall submit to the Commission all notices of preparation, draft environmental documents, and final environmental documents for any projects for which the Commission will later be asked to allocate state or federal funds; agencies submitting environmental documents for Commission review shall send a copy the executive summary to each individual Commissioner, and shall send one additional copy of the complete document to Commission staff at its office in Sacramento for purposes of agenda calendaring, staff review, and transmittal of responses, and must send a copy of the complete document to any Commissioner who requests one.

(b) Commission review procedure: The Commission itself reviews environmental documents, and authorizes the Executive Director subsequently to send comments and file notices of determination; the Commission may receive and consider recommendations from its staff.

(c) Commission timelines: The Commission generally meets every five weeks with meeting agendas published 10 days before each meeting; the Commission typically will calendar and review environmental documents on its next available agenda following receipt of those documents, which requires lead time of 15 days before scheduled meetings, and yields a typical response time from the Commission of 20 to 60 days following receipt of documents.

Authority: Section 21082, Public Resources Code. Reference: Sections 21000-21174, Public Resources Code.